

APPEAL NO. 032155
FILED OCTOBER 3, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on July 21, 2003. The hearing officer determined that the respondent's (claimant) compensable (left wrist) injury of _____, includes the diagnosis of left carpal tunnel syndrome (CTS); that the claimant did not have disability from September 25, 2002, through February 5, 2003; and that the claimant did have disability from February 6, 2003, through the date of the CCH. The determination that the claimant did not have disability from September 25, 2002, through February 5, 2003, has not been appealed.

The appellant (carrier) appeals the extent-of-injury and disability determinations, contending that the claimant does not have CTS; that the accepted left wrist strain had resolved; and that the claimant had been released to return to work with restrictions. The file does not contain a response from the claimant.

DECISION

Affirmed.

The claimant, a preschool teacher, testified how she injured her left wrist in a fall on _____, when her arm hit a concrete wall. The carrier accepted a left wrist strain, which it contends has resolved. There was conflicting medical evidence but the hearing officer notes that carrier's required medical examination (RME) doctor, in a report dated March 27, 2003, stated "it is common to develop [CTS]" after sustaining a sprained wrist. The hearing officer's decision on the extent-of-injury issue is supported by the evidence, specifically the RME doctor's report.

After the claimant's compensable injury of _____, the claimant saw several doctors who released the claimant to return to work with certain restrictions. The claimant continued in her regular job until she resigned her position on September 24, 2002. The reasons for her resignation are in dispute as was the claimant's ability to work. After a change of treating doctor the claimant was taken off work altogether by her then treating doctor on February 6, 2003. The carrier on appeal argues that the evidence does not support "a total inability to work" and that the claimant's treating doctor "did not explain in any detail why the claimant was totally unable to work." The carrier alleges that the claimant could certainly have performed "some type of light-duty work." Disability is defined in Section 401.011(16) as the inability because of the compensable injury to obtain and retain employment at the preinjury wage. It does not require a total inability to work and the Appeals Panel has frequently noted that a release to work with restrictions is evidence that disability continues. Texas Workers' Compensation Commission Appeal No. 950246, decided March 31, 1995; Texas Workers' Compensation Commission Appeal No. 91045, decided November 21, 1991.

We note that none of the doctors have released the claimant to return to work without restrictions. The hearing officer's determination on disability is supported by the claimant's testimony and the treating doctor's reports.

We have reviewed the complained-of determinations and conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Edward Vilano
Appeals Judge